

# JUDICIAL BRANCH

Arizona  
**BLUE BOOK**  
Millennium Edition



*Arizona State Courts Building*



# COURTS OF ARIZONA

## STRUCTURE OF ARIZONA COURTS

The Arizona Judicial System was created as part of the original Arizona Constitution in 1910. Upon statehood in 1912, the Legislature created the superior, juvenile, and justice of the peace courts. A year later the Legislature created police (municipal) courts for each of the state's incorporated cities and towns. Few changes were made to the court system over the next 40 years. Then, in 1960, Arizona voters approved several changes: they gave the Supreme Court administrative supervision over all courts of the state; they increased the number of Supreme Court Justices from three to five; they gave the Supreme Court authority to "make rules relative to all procedural matters in any court"; they authorized the creation of the Court of Appeals; they specified that justices and judges could not practice law or hold any other public office or employment during their term of office; they specified that justices and judges could hold no office in any political party, nor could they campaign in any election other than their own; and they specified that Supreme Court Justices, Court of Appeals judges, and Superior Court judges must retire at age 70. The Legislature established the Court of Appeals in 1965. In 1970 the Commission on Judicial Qualifications was created. That Commission is now titled the Commission on Judicial Conduct. In 1974, Arizona voters approved merit selection and retention election of justices for the Supreme Court and judges for the Court of Appeals. This system also applies to judges for the Superior Court in counties with 150,000 or more people (Pima and Maricopa Counties only, at this time). In 1992, voters changed this population cut-off to 250,000, still limiting it to the two largest-populated counties. The amendment requires the Governor to appoint these judges from a list submitted by judicial nominating commissions. All other counties currently elect their judges but are authorized to use the merit selection process if they wish.

In 1992, along with the population-cutoff change cited above, voters approved an amendment that requires public input and the establishment of a process to review judges' performances. Judges' job performances are reviewed and reports concerning performance are distributed to the public before each general election. The performance evaluation process includes surveys from jurors, witnesses, litigants, administrative staff, and attorneys who have interacted with the judge in a judicial setting. The public provides input through written comment and public hearings. In addition, public committees screen and recommend candidates to the Governor for membership on three commissions that nominate judges to fill vacancies on the bench. The number of persons involved in the merit selection process increased from 21 to 127 committee and commission members.

Today, the court system has three levels:

- Limited Jurisdiction Courts are Justice of the Peace and Municipal (city) Courts. These courts have jurisdiction over a limited variety of cases. They are nonrecord courts, meaning that permanent records of court proceedings are not required. However, some of these courts do keep a record of proceedings.
- The General Jurisdiction Court is the Superior Court, a statewide trial court. Superior Court hears the widest variety of cases and keeps a permanent record of court proceedings.
- The Appellate Courts have jurisdiction to review trials and decisions appealed to them. The Court of Appeals hears most appeals from Superior Court. The exceptions are

death penalty appeals and some cases involving elected officials and disputes between counties, which go directly to the Supreme Court. To appeal a decision from the Court of Appeals, the appellant must file a Petition for Review requesting a Supreme Court hearing. Unlike the Court of Appeals, the Supreme Court is not required to hear every appeal. The Supreme Court justices evaluate the case and decide whether they will review it.

Additional information about the Arizona Court System is available on the Internet.

## ARIZONA SUPREME COURT

Web site: [www.supreme.state.az.us](http://www.supreme.state.az.us)

The Arizona Supreme Court consists of five Justices, serving terms of six years, with each term beginning on the first Monday in January. The Supreme Court has administrative supervision over all the courts of the state and discharges the duties imposed and exercises the jurisdiction conferred by the Constitution and by law. The Chief Justice is elected by the Justices from among their membership for a term of five years and may be re-elected for one or more successive five-year terms. The Vice Chief Justice is also elected by the Justices from among their membership for a term determined by the Court.

Justices of the Supreme Court must be admitted to the practice of law in Arizona and be residents of Arizona for ten years immediately preceding taking office; may not practice law while members of the judiciary; may not hold any other political office or public employment; may not hold office in any political party; may not campaign, except for themselves, under penalty of forfeiture of office; and must retire at age 70.

A Justice of the Supreme Court shall file in the Office of the Secretary of State, not less than 60 nor more than 90 days before the regular general election preceding the expiration of the Justice's term of office, a declaration of the Justice's desire to be retained in office. If a Justice fails to file a declaration stating a desire to be retained in office, then the Justice's office shall become vacant upon the expiration of the Justice's current term of office.

The Supreme Court:

- may choose to review a decision of the intermediate appellate court when a party files a petition for review;
- hears direct criminal appeals in cases with a death sentence imposed;
- Regulates activities of the State Bar of Arizona and oversees admission of new attorneys to the practice of law;
- Reviews charges of misconduct against attorneys and has the authority to suspend or disbar an attorney; and
- Serves as the final decision-making body when disciplinary recommendations are filed against Arizona judges by the Commission on Judicial Conduct.

When a party wants to appeal a decision from the Court of Appeals, the party files a petition for review with the Supreme Court. After filing the Petition for Review, some of the written records of the case are transferred to the Supreme Court. After reviewing the partial records, the Court decides whether to grant or deny review of the appeal. In most cases, review by the Supreme Court is discretionary, meaning the Court may refuse to review the case in which event the decision of the Court of Appeals is final. When the Supreme Court agrees to review a decision, the justices study the record and the questions (or "points of law") it raises. In some cases, the Court may decide

to hear oral arguments from the attorneys involved in the appeal. During oral argument, the attorney for the appellant (the party making the appeal) attempts to highlight and clarify the appellant's side of the case to the Court. Then the attorney for the appellee (party responding to the appeal) presents the appellee's side of the case. The justices often question the attorneys about issues and case law cited in support of their position.

When issuing a written decision or opinion, the court has several options, which include the following and/or combinations of the following:

- Affirm the decision, meaning the Supreme Court agrees with the judgment of the lower court and that judgment is final;
- Reverse the decision of the lower court, meaning the Supreme Court disagrees with the decision and the Supreme Court decision must be carried out;
- Remand the case, meaning it is sent back to the trial court for further action and possible retrial.

The Supreme Court Chief Justice presides over Senate impeachment trials but renders no decision as to the guilt or innocence of the public official on trial. Formal charges for an impeachable offense are initiated by a majority vote of the Arizona House of Representatives. Conviction for the impeachable offense requires a two-thirds majority vote in the Senate. Upon conviction, a public officer is removed from office.

Chief Justice Zlaket has established Justice 2002, a strategic agenda for the Arizona Judicial Department. The agenda contains four main goals: protecting children, families, and communities; providing access to swift, fair justice; connecting with the community; and being accountable. Justice 2002 is a blueprint designed to increase the public's trust in the court system, to inspire confidence that individual rights are being protected, and to ensure that all citizens are being treated fairly. More information about Justice 2002 can be found on the Court's web site.

### Supreme Court Justices from Statehood

NAME	FROM	TO
1. Alfred Franklin	Feb. 14, 1912	Nov. 13, 1918
2. Donald L. Cunningham	Feb. 14, 1912	Jan. 4, 1921
3. Henry D. Ross	Feb. 14, 1912	Feb. 9, 1945
4. John Wilson Ross	Nov. 13, 1918	Jan. 6, 1919
5. Albert C. Baker	Jan. 6, 1919	Aug. 31, 1921
6. Archibald G. McAlister	Jan. 4, 1921	Jan. 1, 1945
7. Edward G. Flanagan	Sept. 28, 1921	Jan. 1, 1923
8. Frank H. Lyman	Jan. 1, 1923	Jan. 1, 1925
9. Alfred C. Lockwood	Jan. 5, 1925	Jan. 4, 1943
10. R.C. Stanford	Jan. 4, 1943	Jan. 3, 1955
11. Arthur T. LaPrade	Jan. 1, 1945	June 30, 1957
12. Joseph H. Morgan	Feb. 13, 1945	Jan. 6, 1947
13. Levi S. Udall	Jan. 6, 1947	May 30, 1960
14. Evo DeConcini	Jan. 3, 1949*	Jan. 13, 1953
15. Marlin T. Phelps	Jan. 3, 1949*	Jan. 1, 1961
16. Dudley W. Windes	Jan. 13, 1953	Jan. 5, 1959
17. J. Mercer Johnson	Sept. 16, 1957	Sept. 8, 1960
18. Fred C. Struckmeyer, Jr.	Jan. 3, 1955	Jan. 4, 1982
19. Charles C. Bernstein	Jan. 5, 1959	Jan. 2, 1969
20. Jesse A. Udall	June 15, 1960	Jan. 15, 1972
21. Robert O. Leshner	Sept. 20, 1960	Dec. 11, 1960
22. Renz L. Jennings	Dec. 12, 1960	Aug. 5, 1964
23. Lorna E. Lockwood	Jan. 1, 1961	Sept. 15, 1975
24. Edward W. Scruggs	Aug. 5, 1964	Jan. 3, 1965
25. Ernest W. McFarland	Jan. 4, 1965	Jan. 4, 1971
26. Jack D. H. Hays	Jan. 4, 1969	Jan. 5, 1987
27. James Duke Cameron	Jan. 4, 1971	Jan. 30, 1992

28. William A. Holohan	Jan. 17, 1972	Jan. 4, 1989
29. Frank X. Gordon, Jr.	Sept. 16, 1975	Jan. 6, 1992
30. Stanley G. Feldman	Jan. 19, 1982	
31. James Moeller	Feb. 23, 1987	Jan. 1998
32. Robert J. Corcoran	Jan. 5, 1989	
33. Thomas A. Zlaket	Feb. 3, 1992	
34. Frederick J. Martone	Feb. 23, 1992	
35. Ruth V. McGregor	Feb. 13, 1998	

### Justices of the Supreme Court

**Chief Justice Thomas A. Zlaket** received his A.B. in Political Science from the University of Notre Dame, South Bend, IN, in 1962; and his LL.B. from the University of Arizona in 1965. He was admitted to practice law in Arizona in 1965; the U.S. District Court, District of Arizona in 1967; the U.S. Court of Appeals, Ninth Circuit in 1969; and all California state courts in 1976. He practiced law in Tucson with Leshner, Scruggs, Rucker, Kimble & Lindamood, 1965-1968; Maud and Zlaket, 1968-1970; Estes, Browning, Maud & Zlaket (later Estes & Zlaket), 1970-1973; Slutes, Estes, Zlaket, Sakrison & Wasley, 1973-1982; and Zlaket & Zlaket, 1982-1992. Justice Zlaket is a member of the American, Arizona, California, Maricopa County, and Pima County Bar Associations; American Board of Trial Advocates; Arizona College of Trial Advocacy; the University of Arizona Law College Association; the Arizona Law Review Association; and the American Judicature Society. In addition, he is a fellow of the American College of Trial Lawyers and the American Bar Foundation and a founding fellow of the Arizona Bar Foundation. He has also won numerous awards, including Member of the Year, State Bar of Arizona, 1991. Chief Justice Zlaket was appointed to the Arizona Supreme Court in 1992 and served as Vice Chief Justice in 1996 before becoming Chief Justice in 1997.

**Vice Chief Justice Charles E. Jones** received his B.A. from Brigham Young University, Provo, UT, and his J.D. from Stanford University Law School, Palo Alto, CA. He served as law clerk to the Honorable Richard H. Chambers and Chief Judge of the U.S. Court of Appeals, Ninth Circuit, from 1962 to 1963. He was admitted to practice law in California in 1962; in Arizona in 1964; before the U.S. Supreme Court in 1979; the U.S. Court of Appeals, Ninth Circuit, 1963; the U.S. Court of Appeals, Tenth Circuit, 1974; and the U.S. District Court, District of Arizona, 1963. Justice Jones joined the law firm of Jennings, Strouss & Salmon in 1963. He served as chairman of the firm's Labor and Employment Department, handling a variety of employment disputes including discrimination, wrongful discharge, harassment, and wage-hour and contract negotiations. Justice Jones has trial and appellate experience in federal and state courts and before federal and state administrative agencies. In addition to his labor practice, Mr. Jones was also involved extensively in corporate, commercial, and real estate matters. Justice Jones has been listed in *The Best Lawyers in America*, Woodward/White, Inc., Employment/Labor Section, in every edition since 1983. He received the Alumni Distinguished Service Award from Brigham Young University in 1982. He has also been Avocat du Consulat-General de France since 1981. He is a member of the American, Arizona, and Maricopa County Bar Associations and the Board of Legal Specialization. He is also involved with the Judicial Conference of the Ninth Circuit; the Brigham Young University Law School Board of Visitors which he has served as chairman 1978-1981; and the J. Reuben Clark Law Society (BYU) since 1975, of which he has been national chairman since 1994. Justice Jones is fluent in French.

**Justice Stanley G. Feldman** was born March 9, 1933, in New York City. He attended the Tucson Public Schools, the Univer-

sity of California at Los Angeles, and the University of Arizona, receiving his LL.B. from the University of Arizona Law School in 1956. Justice Feldman was admitted to the State Bar of Arizona in 1956. He served as a partner in the firm of Miller, Pitt & Feldman, P.C., 1968-1982; and as a member of the faculty of the University of Arizona College of Law, 1968-1976. He was appointed a justice of the Arizona Supreme Court on January 20, 1982, and served as Chief Justice, 1992-1997. Justice Feldman is on the Board of Directors of the Conference of Chief Justices and is a member of the American, Arizona, Maricopa County, and Pima County Bar Associations; the Fellows of the American Bar Foundation; Fellows of the Arizona Bar Foundation; the American Judicature Society; and the Arizona Judges Association. He also serves on the Board of Editors of the State Constitutional Commentary, published by Albany Law Review; the National Advisory Council of the American Committee for the Weizmann Institute of Science; and the Northern Advisory Board of the Arizona Cancer Center. He is the author of many legal articles. In addition to the numerous legal and community activities in which he participates, he received the Distinguished Citizen Award from the University of Arizona Alumni Association in 1988 and 1990; the Centennial Medallion Award from the University of Arizona in May 1989; the James A. Walsh Outstanding Jurist Award from the State Bar of Arizona in June 1994; and the Humanitarian Award from Jewish Women International in January 1996.

**Justice Frederick James Martone** received his B.S. in mathematics from the College of the Holy Cross in 1965; his J.D. from the University of Notre Dame, South Bend, IN, in 1972; and his LL.M. from Harvard University in 1975. He was admitted to practice law in Massachusetts in 1972, Arizona in 1974, and before the U.S. Supreme Court in 1977. He served as law clerk to Justice Edward F. Hennessey, Supreme Judicial Court of Massachusetts, 1972-1973. He was a partner with Jennings, Strouss & Salmon, Phoenix, 1973-1985. He served as a judge of the Superior Court of Maricopa County, Arizona, 1985-1992. During that tenure, he was Presiding Judge, Civil Department, Superior Court of Maricopa County, 1987-1988, and Associate Chief Presiding Judge, 1988-1990. In 1992 he was appointed a justice of the Arizona Supreme Court. Justice Martone is a member of the American, the Arizona, and Maricopa County Bar Associations. Justice Martone was a member, 1970-1971, and the Note & Comment Editor, 1971-1972, for the *Notre Dame Law Review*. He also received the Faculty Prize for Academic Achievement & Leadership from the Notre Dame Law School, 1971, and the Markham Memorial Medal and Prize in Philosophy at Holy Cross College, 1965. He has written several book reviews and legal articles. He has participated in numerous legal organizations and activities, including Master of the Horace Rumpole Inn of Court.

**Judge Ruth Van Roekel McGregor** received her B.A., summa cum laude, from the University of Iowa, 1964, where she ranked first in the College of Liberal Arts; her M.A. from the University of Iowa, 1965; and her J.D., summa cum laude, from Arizona State University, 1974. She was a graduate teaching assistant in speaking and writing at the University of Iowa, 1964-1966. She taught English and speech at Central High School, Phoenix, AZ, 1966-1967, and English at the Selma, AL Public High School, 1968-1969. She was associated with Fennemore Craig, Phoenix, 1974-1981 and 1982-1989. She served as law clerk to U.S. Supreme Court Justice Sandra Day O'Connor, 1981-1982. She was appointed to the Court of Appeals in 1989 and served as Vice Chief Judge, 1993-1995, and Chief Judge, 1995-1997. Justice McGregor was appointed

to the Arizona Supreme Court on February 13, 1998. She was a member of the Arizona Supreme Court Disciplinary Commission, 1984-1989; and the State Bar of Arizona, Board of Legal Specialization, 1980-1981. In addition she is a member of the American, Arizona, and Maricopa County Bar Associations; the Arizona Women Lawyers Association; the National Association of Women Judges; and the Arizona Judges' Association. She was also a founding fellow of the Arizona Bar Foundation; Judge Pro Tempore for the Arizona Court of Appeals, 1985; and a member of Arizona Inns of Court, Master of the Bench, 1988-present. Judge McGregor is active in many community and civic organizations and was named to *Who's Who in American Law* (6th Ed.).

## ARIZONA COURT OF APPEALS

The Court of Appeals was established in 1965 as an intermediate appellate court. The Court of Appeals hears and decides cases in three-judge panels; has jurisdiction in all matters properly appealed from Superior Court; and reviews all decisions properly appealed to it. Division One of the Court has statewide responsibility for reviewing appeals from the Industrial Commission, unemployment compensation rulings of the Department of Economic Security, and the Arizona Tax Court.

The qualifications of judges of the Court of Appeals are as follows:

1. Not less than 30 years of age;
2. Of good moral character;
3. A resident of Arizona and admitted to the practice of law in Arizona for the five years immediately prior to taking office.

Except for the initial term, judges of the Court of Appeals hold office for a term of six years beginning the first Monday in January following election and until a successor is elected and qualified.

The appeals process is generally the same for both civil and criminal cases, except there are filing fees in civil cases. When an appeal is filed, the trial court sends the official case records to the Court of Appeals. When the appropriate records and attorneys' written statements ("briefs") have been received by the court, the case is considered to be "at issue" and is assigned to a panel of three appellate judges for consideration. The brief of the person filing the appeal contains legal arguments as to why the decision of the trial court should be reversed. The person against whom the appeal is taken responds to these issues with arguments and legal authority supporting the trial court's decision.

An Appellate Court does not conduct a new trial on the cases it hears. It reviews papers, exhibits, and transcripts from the trial court. These documents are called the "record on appeal" and are used to determine whether the trial court made a proper decision.

After they have reviewed the records, the Court of Appeals judges may hear oral arguments by the attorneys before deciding the case and issuing an opinion. The Court of Appeals judges have three major decision options, which include the following and/or combinations of the following:

- Affirm the decision of the trial court;
- Disagree with the trial court and reverse the decision; or
- Send the case back to the trial court for further action or a new trial (remand).

The law provides that each division of the Court of Appeals shall have a clerk of the court and other personnel as required.

## DIVISION ONE

Web site: [www.state.az.us/co](http://www.state.az.us/co)

The Court of Appeals, Division One, is exclusively a Court of Review. The Court has jurisdiction in all proceedings appealable from the Superior Court with the exception of criminal death penalty cases which, by law, must be appeared directly to the Supreme Court. The Court of Appeals contains 16 judges, separated into Departments A, B, C, D, and E. Each Department consists of three judges.

Division One includes the counties of Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache. Ten of the judges shall be residents of and elected for retention from, Maricopa County, and five of the judges shall be residents of the remaining counties in the division and shall be elected for retention by the voters of the counties in Division One except Maricopa County.

Sessions of Division One are held in Phoenix but may be held at other locations when, in the opinion of a majority of the judges of a Division or Department, the public interest so requires. The judges of the Divisions and Departments may hold sessions when directed by the Chief Justice of the Supreme Court. Each judge of the Court of Appeals may participate in matters pending before a different Division or Department, but no more than three judges of the Court of Appeals, including Superior Court judges and retired judges sitting with the Court, shall hear and determine a matter and render a decision. A majority of two of the three judges is sufficient to render a decision.

### Judges of the Court of Appeals Division One

**Judge Rebecca White Berch** was appointed to the appellate bench in April 1998 by Governor Jane Dee Hull. Before her appointment, she had served the state of Arizona in several capacities, first as Solicitor General of the state of Arizona (1991-1994), then as Special Counsel to the Attorney General (1995-1996), and finally as First Assistant Attorney General (1996-1998). She received her law degree in 1979 following which she practiced law in Phoenix. She joined the faculty of Arizona State University School of Law in 1986 as Director of the Legal Writing Program, a position she held until 1995, although she was on leave 1991-1994. During her years at the law school, Judge Berch earned her Master's degree in English and authored several law review articles, magazine articles on legal writing, two books, and chapters for books. The textbook she co-authored, *Introduction to Legal Method and Process*, is now in its second edition and is used in law schools throughout the nation. Judge Berch is active in the legal community, serving as a member of the Supreme Court's Committee on Examinations, the Judicial College of Arizona, Valley leadership, Valley Youth Leadership's Planning Committee, and the Editorial Board of the Legal Writing Institute. She has also served on numerous other boards and as a member of many charitable and State Bar committees. She is a native Arizonan.

**Judge Susan A. Ehrlich** received her B.A. from Wellesley College, Wellesley, MA, 1970, and her J.D. from Arizona State University College of Law, 1974. She was in private practice in Phoenix, 1976-1977. She then served as an attorney in the Appellate Section, Civil Division, U.S. Department of Justice, 1978-1980; Assistant U.S. Attorney, Chief of Appellate Section, District of Arizona, 1981-1989. She is a member of the State Bar of Arizona, the Bar of the District of Columbia; the U.S. District Court for the District of Arizona, the U.S. Courts of Appeals for the 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and

District of Columbia Circuits; and the U.S. Supreme Court. She is also a member of the National Association of Women Judges and the Arizona Women Lawyers Association. Judge Ehrlich currently chairs the Phoenix Municipal Court Judicial Selection Advisory Board. She is a member of the American Bar Association's Task Force on Increasing Federalization of State Criminal Laws and its Appellate Judges' Conference Continuing Education Committee. Judge Ehrlich is also a member of the Arizona State, Tribal, and Federal Court Forum, and a member and former president of the Lorna E. Lockwood Inn of Court. Her other activities include the Arizona Town Hall and the Phoenix Bach Choir Board of Directors. In the past, she has been president of the Arizona Women Lawyers' Association and chair of the Arizona Supreme Court Committee on Judicial Education and Training, as well as a participant in various community activities.

**Judge Noel Fidel** was born January 26, 1945, in New Kensington, PA. He received his A.B. from Dartmouth College, 1966; his J.D. from Harvard University Law School, 1969; and his LL.M. from the University of Virginia Law School, 1991. He was admitted to practice law in Arizona in 1970 and in the District of Columbia in 1973. He served as Judge of the Superior Court of Arizona (Maricopa County), 1982-1986, and was Presiding Judge, Civil Department, 1985-1986. He became a judge of the Arizona Court of Appeals in 1987, serving as Vice Chief Judge, 1989-1991, and Chief Judge, 1991-1993. He is a member of the State Bar of Arizona. Judge Fidel has received the State Bar's award for outstanding contributions to continuing legal education and the Maricopa County Bar Association's Henry S. Stevens Award for outstanding service to the legal profession. He is a founding member of the Thurgood Marshall Inn of Court and has chaired the Commission on Judicial Conduct and the State Bar's Civil Jury Instructions and Professionalism Committees. He has served as an adviser to the American Law Institute's project on enterprise liability for personal injury and is currently an adviser for the Restatement of Torts (Third): Apportionment of Liability. Judge Fidel is the author of numerous articles and the recipient of several honors.

**Judge William F. Garbarino** was born August 29, 1940, in Prescott, AZ, a third-generation Arizonan. He was graduated from Northern Arizona University in 1963 and received his J.D. from the University of Arizona in 1967. He is admitted to practice law with the State Bar of Arizona; the U.S. District Court, District of Arizona; the U.S. Court of Appeals, 9th Circuit; and the U.S. Supreme Court. He was a partner in Babbitt & Garbarino, Flagstaff, 1968-1970; Babbitt, Garbarino & Meyers, Flagstaff, 1970-1972; Meyers & Garbarino, Flagstaff, 1972; and Garbarino & Lee, Flagstaff, 1973. He was in sole private practice in 1972 and was associated with several fellow attorneys from 1973-1981. In 1982 Governor Bruce Babbitt appointed him to the Coconino County Superior Court. He served as Presiding Juvenile Court Judge for Coconino County, 1984-1988, and was appointed Presiding Judge in 1989. He was appointed to the Court of Appeals, Division 1, in 1991. Judge Garbarino has taught business law, criminal law, and legal research at Northern Arizona University. He served on the State Bar Disciplinary Board as well as several other State Bar committees. He also served as president of the Coconino County Bar Association. From 1978 to 1981, he was a member of the Board of Trustees of the Flagstaff Medical Center and served as president of the Board in 1981. He is a member of the Board of Trustees of the Raymond Foundation. Judge Garbarino currently serves as a member of the Judicial Performance Review Committee to which he was appointed in 1993.

**Judge Rudolph J. Gerber** was born October 25, 1938, in St. Louis, MO. He received his B.A. and M.A. in philosophy from St. Louis University in 1962 and 1963; his M.A. in comparative literature from Columbia University, New York, where he was a Woodrow Wilson Scholar, 1964; and his Ph.D. from the Université de Louvain, Louvain, Belgium, where he was a Fulbright Scholar, 1966. He served as an assistant professor of Philosophy at the University of Notre Dame and St. Louis University, 1967-1971. He received his J.D. from the University of Notre Dame Law School, 1971, where he was Executive Editor of *The Notre Dame Lawyer*, 1970-1971; and his LL.M. in Judicial Process from the University of Virginia Law School, Charlottesville, in a graduate program for Appellate Judges, 1986. He was admitted to the State Bar of Arizona in 1972 and the California Bar in 1987. He served on the faculty at Notre Dame University, 1968-1971; as legal counsel, Maricopa County Board of Supervisors, 1972; as a member of the U.S. Civil Rights Advisory Commission, 1973-1977; as Associate Director, Arizona Criminal Code Commission, 1972-1976; public defender and in private practice, 1972-1976; Administrative Deputy and Trial Supervisor, Maricopa County Attorney's Office, 1976-1979; and Judge of the Maricopa County Superior Court, where he was Associate Presiding Judge, 1979-1988. Governor Rose Mofford appointed Judge Gerber to the Court of Appeals in 1988. Judge Gerber has taught law-related courses at Arizona State University, Phoenix College, and Western International University. He is fluent in French and German and also speaks some Spanish. He is the author of numerous legal articles and books, including one on the Grand Canyon Railroad, and has edited several legal books. He serves on the Professionalism Committee of the State Bar and is a member of the editorial board of the American Journal of Jurisprudence. He volunteers to judge Arizona State University moot court competitions. He is also a volunteers at Andre House for the homeless.

**Judge Jefferson L. Lankford** received his B.A. from the University of Kentucky, 1973; his J.D. in 1978 and his LL.M. in 1992 from the University of Virginia. He served as staff assistant for the Honorable Romano Mazzoli, U.S. Representative, 1973-1975; law clerk for the Honorable Pierce Lively, Judge of the U.S. Court of Appeals for the 6th Circuit, Cincinnati; and as associate (1979-1983) and partner (1983-1989) with Jennings, Strouss & Salmon, Phoenix, where his practice was primarily in civil appeals. He was appointed to the Court of Appeals in 1989. Judge Lankford was admitted to the Bar of Arizona (1978); the U.S. Supreme Court; the U.S. Court of Appeals for the 6th, 9th, 10th, Federal, and District of Columbia Circuits; and the U.S. District Court for the District of Arizona. He is a member of the American, Arizona, and Maricopa County Bar Associations. He has served as Judge Pro Tempore, Maricopa County Superior Court, 1986-1989; a member of the Panel of Arbitrators, American Arbitration Association, 1983-1989; a member of the Appellate Advisory Committee, Arizona Court of Appeals, 1987-1989; a member, 1981-1988, and secretary, 1982-1983 and 1984-1985, of the Civil Practice and Procedure Committee, State Bar of Arizona; a member, 1987-1989, and chair, 1988-1989, of the Continuing Legal Education Committee, Maricopa County Bar Association; and editor of the Jennings, Strouss & Salmon *Tort & Insurance News*, 1988-1989. He is chair of the Judicial Ethics Advisory Committee. He formerly co-chaired the Arizona Appellate Handbook Committee, chaired the Maricopa County Bar Association Continuing Legal Education Committee, and chaired the Editorial Board of the *Arizona Attorney*, the magazine of the State Bar of Arizona. He is a former member of the Board of the Arizona Judicial College. Judge Lankford received the Robert R. Mills Member of the

Year Award from the Maricopa County Bar Association in 1989. He has published several articles on legal topics and has served as faculty for legal education programs on trial and appellate practice. His book, *The Law of Negligence in Arizona* (with Douglas Blaze), was published in 1992.

**Judge E.G. "Ted" Noyes, Jr.** received his B.A. from Amherst College in 1970 and his J.D. from the University of Wyoming in 1973. He served his country in the U.S. Marine Corps, 1965-1967, with a Data Processing MOS and is a Vietnam veteran. Judge Noyes' trial lawyer experience included one year with the Maricopa County Legal Aid Society (domestic relations), five years as an Assistant U.S. Attorney (general crimes and fraud), and two and one-half years as an associate with Hofmann, Salcito, and Stevens, P.A. (tort-motor vehicle defense). He was appointed to the Maricopa County Superior Court in 1983. His trial judge experience includes three years on civil assignment, two years on criminal, one year on domestic relations, and four years on special assignment. Judge Noyes was the Associate Presiding Judge, 1990-1992. In 1992, he was appointed to the Court of Appeals. Judge Noyes was chair of the Arizona State Bar Civil Jury Instructions Committee, which produced *Recommended Arizona Jury Instructions*, Second Edition, 1991. He also served as chair of the Judicial College Benchbook Committee which produced the *Superior Court Benchbook*, Revised Edition. He served as the founding dean of both the Arizona New Judge Orientation Program, 1990-1992, and the Judicial College of Arizona, 1992-1994.

**Judge Cecil B. Patterson, Jr.** graduated from Hampton University, Hampton, Virginia, in 1963. He served five years as an officer in the U.S. Air Force. He then received his law degree from Arizona State University in 1971. Judge Patterson practiced with the Legal Aid Society, the Phoenix Urban League, and as a partner with the firm of Bursh and Patterson, 1971-1975. He was a trial attorney with the Maricopa County Public Defender, 1975-1980. Governor Bruce Babbitt appointed him to the Superior Court in 1980 where he served until 1991. He retired from the bench to take the position of Chief Counsel, Human Services Division, at the Attorney General's Office where he was responsible for civil rights enforcement, child support, child protective services, and community relations. He was appointed to the Court of Appeals in 1995. He is the first African-American judge on the Court of Appeals. Judge Patterson has served on the City of Phoenix Ad Hoc Use of Force/Cultural Awareness Task Force, the Minority Advisory Committee at Arizona State University, and the boards of directors of the YMCA and the Valley of the Sun United Way. He has also served on the National Association of Attorneys General Civil Rights Committee, the Board of Directors of the Maricopa County Branch of the NAACP, the Maricopa County Red Cross, and Southminster Community Services Forum.

**Judge Michael D. Ryan** received his B.A. from St. John's University, Collegeville, MN, in 1963. He received his law degree from Arizona State University in 1977. Before entering law school, Judge Ryan served as an infantry platoon commander with the U.S. Marine Corps, including a tour in Vietnam in 1968. Judge Ryan served as a trial court judge with the Maricopa County Superior Court, 1985-1992. During that time he served as the associate presiding criminal judge and presided over several high-profile cases including the Governor Mecham criminal case and the "AzScam" political corruption case. He also served on the court's judicial executive committee and as the court probation liaison judge, was a member of the court's media relations committee, and sat on several other committees. Each year since its inception, Judge Ryan has



taught at the Arizona Judicial College's New Judge Orientation and teaches at the Arizona Probation Officer's Certification Academy several times a year. He was appointed to the Court of Appeals in 1992.

**Judge James B. Sult** graduated from Arizona State University in 1963. He served as an intelligence officer with the 6th Special Forces Group of the U.S. Army at Fort Bragg and with the 25th Infantry Division in Vietnam, 1963-1967. He received his law degree from the University of Arizona in 1970 where he was Editor-in-Chief of the *Arizona Law Review*. He was an associate with Chandler, Tuller, Udall & Richmond in Tucson, 1971-1972. He served as a trial attorney with the Pima County Public Defender in Tucson, 1972-1974. Judge Sult maintained a general civil practice in Prescott, 1974-1981. He was appointed to the Yavapai County Superior Court in January 1982 and ran for election successfully in 1982, 1986, and 1990. He served as the probate judge, 1985-1991; presiding juvenile judge, 1991-1994; and presiding judge over the conciliation court, 1984-1994. He stepped down from the Superior Court in December 1994. Governor Fife Symington appointed him to the Court of Appeals in 1995. Judge Sult is married and has three children. He has served on the Prescott Salvation Army Board of Directors, Friends of the Prescott Library, Prescott Public Library Advisory Management Committee, and the Wilderness Challenge Board of Directors.

**Judge Jon W. Thompson** received his Bachelor's degree from Northern Arizona University in 1975 and his law degree from the University of Colorado in 1979. Upon admission to the Bar in October 1979, Judge Thompson practiced law in Phoenix and then accepted an appointment as Deputy County Attorney for Yuma County. He served as a major felony prosecutor for several years in Yuma and in Coconino Counties. In 1988, Judge Thompson was appointed to the Superior Court in Coconino County. He later joined the Flagstaff law firm of Mangum, Wall, Stoops & Warden and became a partner practicing in the firm's litigation group. He was appointed to the Court of Appeals in 1995. Judge Thompson is a member of the State Bar of Arizona's Civil Jury Instructions Committee and previously served on the executive board of the criminal justice section.

**Ann A Scott Timmer** was appointed to the Court of Appeals in 2000. She received her B.A. from the University of Arizona in 1982 and her Juris Doctorate, magna cum laude, from Arizona State University in 1985. While attending ASU, Judge Timmer was a Note and Comment Editor for the *Arizona State Law Journal*, a member of the National Appellate Advocacy Team, and a member of the National Moot Court Team (regional winner). She received the American College of Trial Lawyers Medal for Excellence in Advocacy and was elected to the Order of the Coif and the Order of Barristers. She practiced law in Phoenix. Judge Timmer currently participates in many Bar and community activities, including memberships in the State Bar Committee on Professional Responsibility, the Maricopa County Task Force on Hiring and Retention of Women and Minority Lawyers, a federal court task force exploring the feasibility of placing state court records on CD-ROM for use in both the state and federal court systems, and the Lorna Lockwood Inn of Court (co-president elect).

**Judge Philip E. Toci** was born June 3, 1935, in Prescott, Arizona. He received his B.A. from the University of Arizona, 1957, and his LL.B. from the U. of A. Law School, 1960. He was admitted to the State Bar of Arizona in 1960. He was admitted to practice law before the Arizona Supreme Court in 1960; the U.S. District Court, District of Arizona, 1969; the U.S. Court of Appeals, 9th Circuit, 1973; and the U.S. Supreme

Court, 1983. He was an associate with the Gentry & McNulty law firm in Bisbee, 1960-1962; and a partner with the Gentry, McNulty, Toci & Borowiec law firm in Bisbee, 1962-1969; Head and Toci in Prescott, 1969-1977; Toci, Musgrove & Murphy in Prescott, 1977-1981; Toci, Murphy, Lutey & Beck in Prescott, 1981-present. His law practice was general from 1960-1979, and he served as Bisbee City Attorney, 1962-1968. His practice was in general litigation, 1979-1993. Judge Toci is a fellow of the American College of Trial Lawyers and is a certified specialist, personal injury and wrongful death, State Bar of Arizona. He is a member of the State Bar of Arizona; a member and past president of the Yavapai County and Cochise County Bar Associations; a faculty member of the Arizona College of Trial Advocacy; a former member of the Supreme Court's Special Committee to Study Civil Litigation Abuse, Cost and Delay; and a member of the Board of Directors of the Arizona Association of Defense Counsel. He has served as Vice Chief Judge of Division One. Judge Toci is also a fellow of the Arizona Bar Foundation, the author of several legal articles, and the recipient of several awards. He is active in numerous community and legal organizations. *The Best Lawyers in America* directory listed him in its recent editions. He presently serves as a member of the Commission on Judicial Conduct and the Committee on More Effective Use of Juries.

**Judge Edward C. Voss III** was born February 15, 1944, in Phoenix. He received his B.B.A. from the University of Texas, 1966; his J.D. from the University of Arizona, 1969; and his LL.M. from the University of Virginia, 1992. He served as an associate with Murphy and Posner, 1969-1973, and a partner with the firm, 1973-1977. He served with the Maricopa County Public Defender's Office, 1978-1982, and as a Maricopa County Superior Court Commissioner, 1982-1983; was appointed to the Maricopa County Superior Court in 1983; and served as the Presiding Judge of the Domestic Relations Division, 1986-1989. Governor Rose Mofford appointed Judge Voss to the Court of Appeals in 1989. Judge Voss is a former director of the Maricopa County Bar Association, former chair of the Maricopa County Bar Association's Lawyer Referral Service, past chair of the Arizona Bar Committee on Mental Health, and former president and director of the Volunteer Lawyers Program. He has sat as a Justice Pro Tempore on the Arizona Supreme Court and was the director of the Maricopa County Committee on Judicial Performance Review. He currently is a member of the Appellate Practice Section of the State Bar of Arizona and the Supreme Court Rule 32 Committee. He is also a director and part president of the executive council of the Boys and Girls Clubs of Metropolitan Phoenix.

**Judge Sheldon H. Weisberg** was born in Cleveland, Ohio, in 1946. He attended Bucknell University, Lewisburg, PA, 1965-1968; received his B.A. from the Ohio State University, Columbus, 1969; and received his J.D., cum laude, from the Ohio State University College of Law, 1974. He served as an officer with the U.S. Army, 1969-1971, was an honor graduate of the United States Army Command and General Staff College, and retired from the service with the rank of Major. Judge Weisberg served as Deputy County Attorney with the Mohave County Attorney's Office, 1974-1976, and was a director and shareholder with Bruno, Weisberg & Brooks, P.C., 1976-1992. Judge Weisberg served on the Kingman City Council, 1984-1987; acting Kingman City Attorney, 1990 and 1992; and presided over Mohave County juvenile cases as a Mohave County Superior Court Judge Pro Tempore, 1987-1992. He was appointed to the Court of Appeals in 1992. Judge Weisberg is co-chair and editor of the Arizona Appellate Handbook Committee and a member of the



Arizona Supreme Court Committee on Judicial Education and training. He also is a Founding Fellow of the Arizona Bar Foundation, co-president-elect of the Lorna E. Lockwood Inn of Court, and a former member of the State Bar of Arizona Gender Bias Task Force.

## DIVISION TWO

Web site: [www.apltwo.ct.state.az.us](http://www.apltwo.ct.state.az.us)

Division Two of the Court of Appeals contains six judges, separated into Departments A and B. Each Department consists of three judges.

Division Two includes the counties of Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham, and Gila. Sessions of Division Two are held in Tucson but may be held at other locations when, in the opinion of a majority of the judges of a Division or Department, the public interest so requires. The judges of the Divisions and Departments may hold sessions when directed by the Chief Justice of the Supreme Court. Each judge of the Court of Appeals may participate in matters pending before a different Division or Department, but no more than three judges of the Court of Appeals, including Superior Court judges and retired judges sitting with the Court, shall hear and determine a matter and render a decision. A majority of two of the three judges is sufficient to render a decision.

In Division Two, four of the judges must be residents of Pima County and two must be residents of the remaining counties in the Division excluding Pima County. Except for the initial term, judges of the Court of Appeals hold office for a term of six years beginning the first Monday in January following election and until a successor is elected and qualified.

### Judges of the Court of Appeals Division Two

**Judge William E. Druke** was born December 5, 1938, in Phoenix, AZ. He received his B.S. from Arizona State University in 1961; served in the Arizona Air National Guard, 1961-1967; and received his J.D. from the University of Arizona in 1969. He was admitted to the Arizona Bar in 1969. He served as Deputy Pima County Attorney, 1970-1972; City Magistrate, Tucson, 1972-1974; and Pima County Superior Court Judge, 1975-1985. He practiced law 1985-1992. Judge Druke has served as a Judge of the Court of Appeals, Division Two, since 1992. Judge Druke resides in Tucson.

**Judge J. William Brammer, Jr.** received his B.S. from the University of Arizona in 1964 and his law degree from the University of Arizona in 1967. He served as a law clerk to Judge John Molloy and as an Assistant Tucson City Attorney. He then practiced privately in Tucson with the law firm of DeConcini McDonald Brammer Yetwin & Lac, P.C., beginning in 1968, retiring as a senior partner in 1997. During his practice, he was a member of the Board of Governors of the State Bar of Arizona; president of the Pima County Bar Association; president of the University Law College Association, and a member the University of Arizona's Alumni Association National Board of Directors. He also served as chair for two years for the Supreme Court's Examinations Committee; as a member of the Board of Directors of the National School Boards Association's Counsel of School Attorneys; and as a member of the Commission on Judicial Performance Review. Judge Brammer was appointed a Judge of the Court of Appeals, Division Two, in 1997.

**Judge Philip G. Espinosa** was born August 23, 1952, in Tucson. He received his B.A. from the University of Arizona in 1978 and his J.D. from the University of Arizona in 1983. He served as Director of Music for St. Paul's Episcopal Church in

Tucson from 1979-1982. He was a law clerk for the U.S. Attorney's Office in Tucson in 1981, a law clerk with the U.S. Department of Justice in Washington, DC in 1982; and a law clerk with the U.S. Attorney's Office, Civil Division, in Tucson in 1983. He served as Assistant U.S. Attorney, practicing in San Francisco and Tucson (Ninth Circuit), 1983-1992, during which time he served as Deputy Chief Assistant U.S. Attorney, Criminal Division, Tucson, 1990-1992. He has been a judge with the Arizona Court of Appeals, Division Two, since 1992. Judge Espinosa is a member of the Arizona, American, and Pima County Bar Associations; the United States District Court, District of Arizona; the Ninth Circuit U.S. Court of Appeals; and the State Bar of Arizona Public Lawyers Section. Judge Espinosa also served as the U.S. Attorney General delegate at the Bi-National Prosecutors Conference, in Mexico City in 1990. He received the U.S. Attorney's Outstanding Sustained Performance Award in 1989. Judge Espinosa resides in Tucson.

**Judge M. Jan Florez** was born August 26, 1944, in Jacksonville, TX. She received her B.A. from the University of Central Arkansas in 1966. She moved to Arizona in 1969, received her J.D. from the University of Arizona in 1980, and was admitted to the Arizona Bar that same year. She practiced civil and criminal law in Nogales, 1980-1992. She served as Santa Cruz County Attorney, 1993-1996. She was appointed to the Court of Appeals, Division Two, in 1996. Judge Florez resides in Nogales.

**Judge Joseph Howard** was born in 1950 in Ohio. He received his B.A. in business administration from Arizona State University in 1972 and his J.D. from Arizona State University College of Law, 1976. He maintained a general practice of law, primarily in Casa Grande, from 1976. He became a real estate law specialist in 1992. Judge Howard was appointed to the Court of Appeals, Division Two, in 1997. Judge Howard resides in Casa Grande.

**Judge A. John Pelander** was born January 26, 1951, in Cleveland Ohio. He received his B.A. degree from Wittenberg University, 1973, and his J.D. from the University of Arizona, 1976, graduating with high distinction. He also was inducted into the Order of the Coif. Judge Pelander was admitted to the State Bar of Arizona in 1976. He practiced in Tucson with Slutes, Sakrisson, Grant & Pelander, P.C. He was appointed to the Court of Appeals, Division Two, in 1995. Judge Pelander resides in Tucson.

## SUPERIOR COURTS

The Superior Court of Arizona is the state's only general jurisdiction court and has a division in each of Arizona's 15 counties. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances.

The Constitution of the State of Arizona, Article VI, Section 14, provides the Superior Court with jurisdiction over:

- Cases and proceedings in which exclusive jurisdiction is not vested by law in another court;
- Cases of equity that involve the title to or possession of real property or the legality of any tax, impost, assessment, toll, or municipal ordinance;
- Other cases in which the value of property in question is more than \$5,000 exclusive of interest and costs;
- Criminal cases amounting to a felony and misdemeanor cases not otherwise provided for by law;
- Forcible entry and detainer actions (unlawful tenancy evictions);
- Proceedings in insolvency;

- Actions to prevent or stop nuisances;
- Matters of probate (wills, estates);
- Dissolution or annulment of marriage;
- Naturalization and the issuance of appropriate documents for these events; and
- Special cases and proceedings not otherwise provided for, and such other jurisdiction as may be provided by law.

The Superior Court also acts as an appellate court to hear appeals from decisions made in the Justice of the Peace and Municipal Courts.

The Constitution of the State of Arizona, Article VI, Section 10 provides for one Superior Court Judge in each county and permits one additional Judge for every 30,000 inhabitants or majority fraction thereof beyond the county's first 30,000 residents. In 1912, there were 14 Superior Court Judges, one for each county. Over the years, the number has increased so that we presently have 140 Superior Court Judges in the state of Arizona. These Judges serve a regular term of office of four years and must be at least 30 years of age, of good moral character, admitted to the practice of law in Arizona, and a resident of Arizona for the five years immediately preceding the taking of office.

Before 1976, Superior Court Judges were elected. In 1978, the voters of Arizona approved a Constitutional amendment which allowed Justices of the Supreme Court, Judges of the Court of Appeals, and the Superior Court in counties having a population of 150,000 or more persons according to the United States census to file a declaration of desire to be retained in office. If no such declaration is filed, the office shall become vacant upon the expiration of the term which the Judge is serving. The vacancy shall be filled according to the Constitution of the State of Arizona, Article VI, Section 37.

A 1971 law (A.R.S. § 12-141) authorized the Chief Justice of the Supreme Court to appoint Judges Pro Tempore to assist with case loads. A Judge Pro Tempore must possess the same qualifications as regular Judges of the Superior Court. The Judge Pro Tempore may be appointed either to the county of residence or another county.

In counties with two or more Superior Court Judges, a Presiding Judge is designated by the Supreme Court to have administrative supervision over the courts in the county. In single-judge counties, that Judge holds the administrative authority. The Presiding Judge of the Superior Court may appoint court commissioners if the county has at least three judges. These commissioners often hear cases where an uncontested charge has been entered against someone. They may also conduct the proceedings for the initial appearance of a defendant who is charged with a crime.

## Judges of the Superior Court

### Apache County

Michael C. Nelson, Presiding Judge

### Cochise County

#### **Division 1**

#### **Division 2**

Stephen M. Desens, Presiding Judge

#### **Division 3**

Wallace R. Hoggatt

#### **Division 4**

Charles A. Irwin

#### **Division 5**

James L. Conlogue, Pro Tem

### Coconino County

#### **Division 1**

Robert Van Wyck

#### **Division 2**

Fred Newton

#### **Division 3**

H. Jeffrey Coker, Presiding Judge

#### **Division 4**

Charles Adams

#### **Judge Pro Tem**

Danna D. Hendrix

### Gila County

#### **Division 1**

Edward L. Dawson

#### **Division 2**

Robert Duber II, Presiding Judge

### Graham County

Douglas Holt, Presiding Judge

### Greenlee County

Monica Stauffer, Presiding Judge

### La Paz County

Michael Irwin, Presiding Judge

### Maricopa County

#### **Judges**

Robert D. Myers, Presiding Judge

Ronald S. Reinstein, Associate Presiding Judge

#### **Civil Judges**

Barry C. Schneider, Presiding Judge

Edward O. Burke

Colin F. Campbell

B. Michael Dann

Norman Davis

Kenneth L. Fields

John Foreman

Joseph B. Heilman

M. Jean Hoag

Jeffrey A. Hotham

Joseph D. Howe

J. Kenneth Mangum

Robert Oberbillig

William J. Schafer III

Jonathan H. Schwartz

John Sticht

David M. Talamante

#### **Criminal Judges**

Roger W. Kaufman, Presiding Judge

Gregory Martin, Associate Presiding Judge

Mark Aceto

Linda Akers

Silvia R. Arellano

Anna M. Baca

Edward Ballanger, Jr.

Dennis W. Dairman

Bernard J. Dougherty

Thomas Dunevant III

Alfred Fenzel

Frank T. Galati

Stephen A. Gerst

Robert L. Gottsfield

Ruth H. Hilliard

Sherry H. Hutt

Brian K. Ishikawa

**Maricopa County (cont'd)****Judges (cont'd)****Criminal Judges (cont'd)**

Barbara M. Jarrett  
 Michael D. Jones  
 Alan S. Kamin  
 Paul A. Katz  
 James E. Keppel  
 Michael R. McVey  
 Thomas O'Toole  
 Peter Reinstein

**Family Judges**

Mark W. Armstrong, Presiding Judge  
 Louis A. Araneta  
 Pendleton Gaines  
 Cheryl K. Hendrix  
 Bethany G. Hicks  
 Cathy M. Holt  
 Crane McClennen  
 James E. McDougall  
 Barbara R. Mundell  
 Michael J. O'Melia  
 David L. Roberts  
 William L. Topf III  
 Maria del Mar Verdin

**Juvenile Judges**

Maurice Portley, Presiding Judge  
 Rebecca Albrecht  
 Arthur Anderson  
 Pamela J. Franks  
 Brian R. Hauser  
 James Padish  
 William P. Sargeant III  
 Linda K. Scott

**Probate Judge**

Donald F. Daughton, Presiding Judge

**Special Assignment Judges**

Susan R. Bolton, Presiding Judge  
 Daniel A. Barker  
 David R. Cole  
 Peter T. D'Angelo  
 Steven D. Sheldon

**Tax Court Judge**

Jeffrey S. Cates, Presiding Judge

**Mohave County****Division 1**

Gary R. Pope, Presiding Judge

**Division 2**

Randolph A. Bartlet

**Division 3**

Steven F. Conn

**Division 4**

James Chavez

**Division 5**

Robert Moon

**Division 6**

Richard Weiss, pro tem

**Navajo County****Division 1**

Tom Wing

**Division 2**

Carolyn Holliday, Presiding Judge

**Navajo County (cont'd)****Division 3**

Gloria Kindig

**Pima County****Division 1**

Lina S. Rodriguez

**Division 2**

Charles Harrington

**Division 3**

Kenneth Lee

**Division 4**

Steven Villarreal

**Division 5**

John Quigley

**Division 6**

Charles S. Sabalos

**Division 7**

Leslie Miller

**Division 8 (Juvenile)**

John Davis

**Division 9**

Michael Brown

**Division 10**

John S. Leonardo

**Division 11**

Bernardo P. Velasco

**Division 12 (Juvenile)**

Deborah Bernini

**Division 13 (Juvenile)**

Patricia Escher

**Division 14**

Richard D. Nichols

**Division 15**

Michael D. Alfred

**Division 16**

Howard Hantman

**Division 17**

Margaret Houghton

**Division 18**

Richard Fields

**Division 19**

Clark Munger

**Division 20**

Nanette M. Warner

**Division 21**

John F. Kelly

**Division 22**

Michael Cruikshank

**Division 23**

Gordon T. Alley, Presiding Judge

**Division 24**

Robert Donfeld

**Division 25**

Cindy K. Jorgenson

**Division 26**

Edgar Acuña

**Division 27**

Christopher Browning

**Pinal County****Division 1**

James E. Don, Presiding Judge

**Division 2**

Gilberto V. Figueroa

**Division 3**

William J. "Bill" O'Neil

**Pinal County (cont'd)****Division 4**

Boyd Johnson

**Division 5**

Kelly Marie Robertson

**Santa Cruz County****Division 1**

Roberto C. Montiel, Presiding Judge

**Division 2**

Jose M. Lerma

**Yavapai County****Division 1**

Richard Anderson

**Division 2**

Robert M. "Bob" Brutinel

**Division 3**

Janis Ann Sterling

**Division 4**

Raymond Weaver, Presiding Judge

**Division 5**

William Kiger

**Judge Pro Tem**

Howard Hinson

**Yuma County****Division 1**

Tom C. Cole, Presiding Judge

**Division 2**

John N. Nelson

**Division 3**

Thomas A. Thode

**Division 4**

Philip L. Hall

**Division 5**

Kirby Kongable

## LOWER COURTS

The Lower Courts in Arizona are limited-jurisdiction courts and are one of two types: Municipal (City) and Justice of the Peace. Criminal cases are usually processed in the limited jurisdiction courts as follows:

- Initial Appearance: The defendant appears for the first time in court to be advised of the charges against him or her.
- Arraignment: The defendant appears in court to enter a plea of guilty or not guilty. (Note: Many limited-jurisdiction courts combine the initial appearance and arraignment.)
- Trial: If the defendant pleads 'not guilty,' a trial is held so that the judge, or in some cases a jury, can hear evidence on the charges and find the defendant guilty or not guilty.
- Sentencing: If the defendant is found guilty, the court imposes the penalties or punishment for the crime.
- Appeals: Appeals from decisions of limited-jurisdiction courts are made to the Superior Court. Appeals may be heard as a new trial (trial de novo), or the Superior Court Judge may review records of trial proceedings if records have been kept. Small claims court decisions cannot be appealed.

### Municipal Courts

Municipal Courts (or City Courts) are required by law in incorporated cities or towns, have criminal jurisdiction over misdemeanor crimes and petty offenses committed in their city or town, and have shared jurisdiction with the Justice of the Peace Courts over violations of state law committed within their city or town limits.

Municipal Court Judges (Magistrates) hear criminal traffic cases, such as driving under the influence of alcohol or drugs, hit-and-run, and reckless driving; they also hear civil traffic cases and violations of city ordinances and codes, but they do not hear civil cases.

The judges' qualifications are set by city charter/city ordinance. Judges, appointed to the bench by the city or town council (except in Yuma where the judges are elected), may or may not be required to be lawyers by the city they serve. The judges serve terms of at least two years as set by the city or town council. They may be removed from office during their term only after a hearing to show cause for removal.

Some of municipal or city courts include Phoenix Municipal Court, Mesa City Court, Tempe Municipal Court, Scottsdale City Court, Tucson City Court, and Oro Valley Municipal Court.

### Justice of the Peace Courts

Justice of the Peace Court precincts have geographical boundaries established by the Board of Supervisors in each county. Although these geographical boundaries can be changed, the precincts cannot be abolished until the term of the current Justice of the Peace expires. Justices of the Peace are elected for four-year terms and must be at least 18 years old; residents of Arizona; electors of the precinct in which duties of the office will be performed; read and write English; and are not required to be attorneys.

Justice of the Peace Courts hear traffic and certain civil and criminal cases. Their civil jurisdiction is limited to cases involving claims of \$5,000 or less. The Justice Courts share jurisdiction with the Superior Court in cases of landlord/tenant disputes where the rental value does not exceed \$1,000 per month and damages are \$5,000 or less. They can hear matters regarding possession of, but not title to, real property.

The Presiding Judge of the Superior Court appoints special hearing officers to decide small claims cases not exceeding \$1,500. Small claims cases are decided before the judge or hearing officer but without attorneys.

Justice of the Peace Courts issue search warrants and handle domestic violence and harassment cases. When conducting preliminary hearings on felonies, Justice Court Judges may require defendants to answer criminal charges in Superior Court. They may also dismiss charges if it appears there is no probable cause to believe the defendant is guilty.

Justice of the Peace Courts have criminal jurisdiction over:

- Petty offenses and misdemeanors;
- Assault or battery -- not committed upon a public officer in the discharge of the officer's duties or committed with intent to render the offense a felony;
- Breaches of peace and committing a willful injury to property;
- Misdemeanors and criminal offenses punishable by fine not exceeding \$2,500 or imprisonment in county jail, not to exceed six months, or both fine and imprisonment; and
- Felonies for the purpose of initiating action and conducting proceedings through preliminary examination.

State statute provides for an elected constable in each Justice of the Peace precinct. The constable's duties are to "execute, serve, and return all processes and legal documents as directed by the court." The provisions of law relating to sheriffs also govern the powers, duties, and liabilities of constables.

## Justices of the Peace and Constables

### Apache County

#### **Round Valley - Precinct #1**

Justice of the Peace Sherry L. Geisler

#### **St. Johns - Precinct #2**

Justice of the Peace Herman Mineer

Constable Louis Leyba

#### **Puerco - Precinct #3**

Justice of the Peace Merwin Lynch

Constable Jimmie Nelson

#### **Chinle - Precinct #4**

Justice of the Peace Glenn Stoner

Constable Norman Begay

### Cochise County

#### **Precinct #1**

Justice of the Peace David Morales

Constable Wes Flowers

#### **Precinct #2**

Justice of the Peace Michael J. Herbolich

Constable Michael Belzner

#### **Precinct #3**

Justice of the Peace Jimmy Judd

Constable Bob Guthrie

#### **Precinct #4**

Justice of the Peace Judy L. Bethel

Constable Nancy Tunks

#### **Precinct #5**

Justice of the Peace George Kirmse

Constable Loyce Guthrie

#### **Precinct #6**

Justice of the Peace Linda Hale

Constable Claude Fortenberry

### Coconino County

#### **Flagstaff Precinct**

Justice of the Peace Pro Tem V.L. "Shorty" Morrow

Constable John Wrybright

#### **Fredonia District**

Justice of the Peace Ida Lu Black

#### **Page District**

Justice of the Peace Mike Anderson

#### **Williams Precinct**

Justice of the Peace Bill Sutton, Jr.

### Gila County

#### **Globe Regional Precinct**

Justice of the Peace Patti Nolan

Constable Jesse Bolinger

#### **Payson Regional Precinct**

Justice of the Peace Ronnie O. McDaniel

Constable Eddie Armer

### Graham County

#### **Precinct #1**

Justice of the Peace Linda Norton

#### **Precinct #2**

Justice of the Peace Dewey Bryce

### Greenlee County

#### **Precinct #1--Clifton-Morenci**

Justice of the Peace Manuel R. Manuz

Constable Floyd Siegrist

#### **Precinct #2--Duncan**

Justice of the Peace Richard Jernigan

Constable L. Jack Peeler

### La Paz County

#### **Precinct #4**

Justice of the Peace Mary A. Scott

Constable James Mitchell

#### **Precinct #5**

Justice of the Peace Joseph Deschaine

Constable Paul Scheffler

#### **Precinct #6**

Justice of the Peace John C. Drum

Constable (vacant)

### Maricopa County

#### **Buckeye Precinct**

Justice of the Peace G. Mike Osterfeld

Constable Murel L. Stephens

#### **Central Phoenix Precinct**

Justice of the Peace C. Stephen McMurry

Constable Armando Saldate, Jr.

#### **Chandler Precinct**

Justice of the Peace J. Brian Lamb

Constable James N. "Kevin" Jones

#### **East Mesa Precinct**

Justice of the Peace R. Wayne Johnson

Constable William Taylor

#### **East Phoenix Precinct #1**

Justice of the Peace John Carpenter

Constable John Power

#### **East Phoenix Precinct #2**

Justice of the Peace Michael W. Orcutt

Constable Butch Wilda

#### **Gila Bend Precinct**

Justice of the Peace Polly Getzwiller

Constable Carol Sly

#### **Glendale Precinct**

Justice of the Peace Quintin Tolby

Constable Bill Stout

#### **Maryvale Precinct**

Justice of the Peace Andy Gastelum

Constable Frank L. Canez

#### **North Valley Precinct**

Justice of the Peace Kenneth Warren

Constable Phil Hazlett

#### **Northeast Phoenix Precinct**

Justice of the Peace Jacqueline McVay

Constable Doug Middleton

#### **North Mesa Precinct**

Justice of the Peace Lester N. Pearce

Constable Ed Malles

#### **Northwest Phoenix Precinct**

Justice of the Peace John Barclay

Constable Robert Weaver

#### **Peoria Precinct**

Justice of the Peace Lex E. Anderson

Constable Joe Murray

#### **Scottsdale Precinct**

Justice of the Peace Mark Dobronski

Constable Frank Outcalt

#### **South Mesa/Gilbert Precinct**

Justice of the Peace Donald L. Skousen

Constable Harrell Boyster

#### **South Phoenix Precinct**

Justice of the Peace Pamela C. Gutierrez

Constable Clarice Davis

#### **Tempe East Precinct**

Justice of the Peace John Ore

Constable Joe Arredondo

**Maricopa County (cont'd)****Tempe West Precinct**

Justice of the Peace Victor "Mike" Willkens  
Constable Mark Hemblen

**Tolleson Precinct**

Justice of the Peace Joseph Guzman  
Constable Alfred Gamez

**West Mesa Precinct**

Justice of the Peace Clayton Hamblen  
Constable Jack G. Wright

**West Phoenix Precinct**

Justice of the Peace Rachel Carillo  
Constable Joe Reyes

**Wickenburg Precinct**

Justice of the Peace John C. Henry  
Constable Joe T. "Bucky" Walters

**Mohave County****Kingman Precinct**

Justice of the Peace Larry Imus  
Constable Pam Bibich

**Bullhead City Precinct**

Justice of the Peace Gary Arend  
Constable Robert A. O'Conner

**Cerbat Precinct**

Justice of the Peace John Taylor  
Constable Eunice Blevins

**Lake Havasu Precinct**

Justice of the Peace Michael Centofanti  
Constable Robert Dinnewith

**Moccasin Precinct**

Justice of the Peace I. McKay Heaton  
Constable Jed Barlow

**Navajo County****Precinct #1 - Holbrook**

Justice of the Peace John Lamb  
Constable Mit DeSpain

**Precinct #2 - Winslow**

Justice of the Peace Alison Burns Kolomitz  
Constable Ray Rubi, Sr.

**Precinct #3 - Snowflake**

Justice of the Peace Fred Peterson  
Constable Bill Daniels

**Precinct #4 - Kayenta**

Justice of the Peace Evelyn E. Bradley  
Constable Lorenzo Yazzie

**Precinct #5 - Show Low**

Justice of the Peace T. Kent Brewer  
Constable Ray Brown

**Precinct #6 - Lakeside**

Justice of the Peace Cheryl Martin  
Constable Jerry Brownlow

**Pima County****Precinct #1**

Justice of the Peace Robert Gibson  
Constable Martin R. Lepird, Sr.

**Precinct #2**

Justice of the Peace Jose Luis Castillo  
Constable Daniel B. Dorgan

**Precinct #3**

Justice of the Peace John Casey  
Constable Wanda Wriston

**Pima County (cont'd)****Precinct #4**

Justice of the Peace Carmen Maria Dolny  
Constable Victor Z. Marmion

**Precinct #5**

Justice of the Peace Jim Green  
Constable John C. Patze

**Precinct #6**

Justice of the Peace Paul Simon  
Constable Robert W. Cox, Sr.

**Precinct #7**

Justice of the Peace Charles Shipman

**Precinct #8**

Justice of the Peace Susan Bacal  
Constable John Zienter

**Pinal County****Florence Precinct #1**

Justice of the Peace Kema Granillo  
Constable David Harrington

**Casa Grande Precinct #2**

Justice of the Peace Philip Bain  
Constable Ben L. Crow

**Eloy Precinct #3**

Justice of the Peace Toni Lorona  
Constable Johnny Lopez

**Mammoth/San Manuel Precinct #4**

Justice of the Peace Joe Ruiz  
Constable Robert "Bob" Adams

**Oracle Precinct #5**

Justice of the Peace Robert Kent  
Constable Robert Hendrickson

**Superior Precinct #6**

Justice of the Peace Bruce Griffith  
Constable Ruben Fernandez

**Apache Junction Precinct #7**

Justice of the Peace Corwin Brundrett  
Constable Howard Holbrook

**Maricopa Precinct #8**

Justice of the Peace Tomas Rodriguez  
Constable Ralph Riley

**Santa Cruz County****Precinct #1**

Justice of the Peace Mary Helen Maley  
Constable Hector Treto

**Precinct #2**

Justice of the Peace T. Brock Fuller  
Constable H. Paul Smith

**Yavapai County****Bagdad/Yarnell Precinct**

Justice of the Peace Anna Mary Glaab  
Constable Arthur Fabela

**Verde Valley Precinct**

Justice of the Peace Joe Butner  
Constable Ken Ellis

**Mayer Justice Precinct**

Justice of the Peace John Kennedy  
Constable Hank Hellman

**Prescott Precinct**

Justice of the Peace Robert Kuebler, Jr.  
Constable David Hamill

**Seligman Precinct**

Justice of the Peace Katherine Blaylock  
Constable James Allen Dolin

**Yuma County**

**Precinct #1**

Justice of the Peace Richard Donato

Constable Richard Stallworth

**Precinct #2**

Justice of the Peace Manuel Figueroa

Constable (vacant)

**Yuma County (cont'd)**

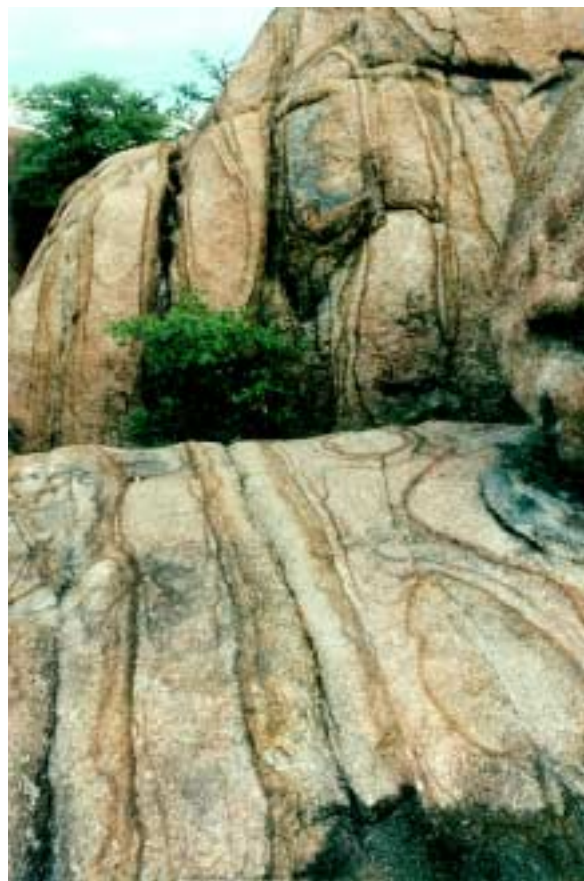
**Precinct #3**

Justice of the Peace J.K. Milam

Constable Arnie Bulick



*Granite Dells  
Yavapai County*







***Views  
from the  
State Capitol  
Executive Tower***

***Arizona Veterans Memorial Coliseum and Shaw Butte***



***Capitol Dome with Winged Victory***



***North Central Phoenix Skyline***